

1 GENGA & ASSOCIATES, P.C.
2 JOHN M. GENGA (SB# 125522)
3 NICOLE KRASNY ASCH (SB# 204409)
4 15260 Ventura Blvd., Suite 1810
5 Sherman Oaks, CA 91403
6 Telephone: (818) 444-4580
7 Facsimile: (818) 444-4585

8 Attorneys for Plaintiff
9 NEW MOTION, INC. d/b/a ATRINSIC MEDIA

10 UNITED STATES DISTRICT COURT
11 SOUTHERN DISTRICT OF CALIFORNIA

12 NEW MOTION, INC. (d/b/a ATRINSIC
13 MEDIA), a Delaware corporation,

14 Plaintiff,

15 v.

16 SMS.AC, INC. (d/b/a FanBox), a
17 California Corporation, BRANDIE
18 SMITH, an individual, MICHAEL
19 POUSTI, an Individual, and DOES 1
20 through 50, inclusive,

21 Defendants.

Case No. 09cv99-WQH (BLM)

22 **STIPULATION FOR DISMISSAL
23 WITH PREJUDICE AND REQUEST
24 FOR COURT TO RETAIN
25 JURISDICTION FOR PURPOSES OF
26 SETTLEMENT**

27 Plaintiff NEW MOTION, INC. d/b/a ATRINSIC MEDIA ("New Motion") and
28 defendants SMS.AC, INC. d/b/a FANBOX ("SMS"), BRANDIE SMITH ("Smith") and
MICHAEL POUSTI ("Pousti") hereby agree and stipulate as follows:

1. The parties have settled the above-captioned matter and entered into a
settlement agreement ("Settlement Agreement").

2. Pursuant to the Settlement Agreement, New Motion hereby requests that
this Court dismiss this action with prejudice subject to the terms of this Stipulation.

3. Pursuant to the Settlement Agreement, SMS is to make payments to New
Motion under a specific timetable, with the last payment to be made by SMS on or before
September 15, 2010.

1 4. Pursuant to the Settlement Agreement, in the event SMS fails to make said
2 payments, and fails to cure such default, as called for in the Settlement Agreement, New
3 Motion has the right to file a Stipulation for Entry of Judgment, attached as Exhibit A to
4 the Settlement Agreement.

5 5. The parties hereto request that this Court retain jurisdiction over this action
6 for the purpose of enforcing the Settlement Agreement through and including October 15,
7 2010.

8 DATED: July 14, 2009

GENGA & ASSOCIATES, P.C.

10 By: Nicole Krasny Asch
11 Nicole Krasny Asch
12 Attorneys for Plaintiff NEW MOTION, INC.
13 d/b/a ATRINSIC MEDIA
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15 DATED: July 14, 2009

NAVIGATO & BATTIN, LLP.

17 By: M. W. Battin
18 Michael W. Battin
19 Attorneys for Defendants SMS.AC, INC. d/b/a
20 FANBOX, BRANDIE SMITH and MICHAEL
21 POUSTI
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